

### **REMARKS**

In the office action dated February 26, 2007, the Examiner rejected claims 1-21. The February 26 Office Action has been carefully considered. The Applicants respectfully request reconsideration of the application by the Examiner in light of the following remarks.

#### Rejections under 35 U. S. C 102 (b)

Claims 1-4, 6, 8-11 and 14-16 and 17-21 are rejected as being anticipated by Hsu et al., U.S Patent 4,721,556 (hereinafter Hsu). Applicant respectfully traverses the rejection.

Applicant respectfully submits that Hsu does not disclose all elements of independent claims 1, 15, 16, 17 and 21.

Hsu describes a method for assembling converter stacks at high temperature which serves not only to fuse the adjacent plates together, but also places the electrolyte plates together (col. 8, lines 14-30). This technique is useful when metallic interconnector plates are disposed between zirconia electrolyte plates since it takes advantage of the large differences in their respective thermal coefficient of expansion.

In contrast, Claims 1, 15, 16, 17 and 21 of present application describe fuel cell assembly and method of making the same using a stress inducer for inducing planar compressive stress to at least one of the brittle layers such as anode, cathode or electrolyte. The details of this additional physical element in the fuel cell assembly are disclosed in the detailed description (Paragraph 25 for example) and Fig. 3. Hsu neither suggests nor discloses a stress inducer, which could also be embedded on to a brittle layer. Therefore Hsu does not disclose all elements of independent claims 1, 15, 16, 17 and 21. The Applicants submit respectfully that claims 1, 15, 16, 17 and 21 are patentably distinct. Claims 2-4, 6, 8-11, 14 and 18-20 depend directly or indirectly from claim 1 and 17. The Applicant respectfully submits for the reasons discussed above that claims 2-4, 6, 8-11, 14 and 18-20 are similarly allowable over the applied reference.

Rejections under 35 U. S. C 103 (a)

Claims 5, 7, 12 and 13 are rejected as unpatentable over Hsu in view of Bothwell at al. US Patent Number 4,276,331 (herein after Bothwell). Applicant respectfully traverses the rejection.

Claims 1 is allowable as discussed in the previous sections. Claims 5, 7, 12 and 13 depend directly or indirectly from claim 1 and are similarly allowable.

Summary

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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